

### **REMARKS**

This paper is responsive to any paper(s) indicated above, and is responsive in any other manner indicated below.

### **DISCLOSURE/SPECIFICATION AMENDMENT(S)**

The disclosure/specification has been objected to because of the Office Action concerns listed within the "Specification" section on page 2 of the Office Action. As the Abstract has been amended to commence on a separate sheet and is appropriately corrected in a single paragraph. Reconsideration and withdrawal of the objection to the disclosure/specification are respectfully requested. The Examiner's kind amendments suggestions (within the Office Action) have been adopted.

### **PENDING CLAIMS**

Claims 1-14 were pending, under consideration and subjected to examination in the Office Action. Appropriate claims have been amended, canceled and/or added (without prejudice or disclaimer) in order to adjust a clarity and/or focus of Applicant's claimed invention. That is, such changes are unrelated to any prior art or scope adjustment and are simply refocused claims in which Applicant is present interested. Replacement claim 15 (and claim 17 dependent therefrom) results from a more detailed elaboration of original claim 1 and is further based on FIG. 4. Replacement claim 16 results from a more detailed elaboration of original claim 1 and is further based on FIG. 20. At entry of this paper, Claims 15-17 will be pending for further consideration and examination in the application.

### **ALL REJECTIONS UNDER 35 USC '102 - TRAVERSED**

All 35 USC '102 rejection of claims 1-14 as being anticipated by Heissenbuttel et al. (U.S. Patent 6,993,503) are respectfully traversed.

All descriptions of Applicant's disclosed and claimed invention, and all descriptions and rebuttal arguments regarding the applied prior art, as previously submitted by Applicant in any form, are repeated and incorporated hereat by reference. Further, all Office Action statements regarding the prior art rejections are respectfully traversed. As additional arguments, Applicant respectfully submits the following.

In order to properly support a '102 anticipatory-type rejection, any applied art reference must disclose each and every limitation of any rejected claim. The applied art does not adequately support a '102 anticipatory-type rejection because, at minimum, such applied art does not disclose (or suggest) the following discussed limitations of Applicant's claims.

Applicant's disclosed and claimed invention is based (at least in part) upon matching the quality levels of a purchaser's-desired-product and a supplier's-product. Applicant's independent claim 15, for example, recites: "receiving from each purchasing firm and registering, ...an index for the capability for achieving quality for the supplied product that a supplier firm should have ...that is calculated using the quality calculation programs; receiving from each supplier firm and registering, ...an index for the capability for achieving quality for the supplied product ...that is calculated using the quality calculation programs; selecting supplier firms having the products or parts that can be supplied and an index for the capability for achieving quality for the supplied product ... that satisfy product type information and

requested quantity of products or parts that the purchasing firm hopes for purchase...".

In contrast, Heissenbuttel et al. fails as a 102 anticipatory-type reference, in that Heissenbuttel et al. appears not to be based upon quality, and instead, sales opportunities are offered to sellers based upon other type of metrics, e.g., negotiated preferences with sellers or suppliers. That is, the owner/operator of the Heissenbuttel et al.'s system may negotiate with various seller/suppliers, and whichever provides the best incentive back to the owner/operator, would become a seller or supplier receiving sales offers on a higher priority basis. Thus, seller negotiation (not seller product quality) determines the priority of being offered a sale.

In addition to the foregoing, the following additional remarks from Applicant's foreign representative are also submitted in support of traversal of the rejection and patentability of Applicant's claims.

The present invention relates to a method for performing inter-firm transactions and inter-firm transaction mediation, based on a quality level of the item involved in the transaction or on information about the level of capability of the firm providing the item involved in the transaction in achieving quality.

An object of the present invention is to provide an inter-firm transaction mediation method that allows efficient selection of a supplier with a high quality level in the following manner: An index (measure) is introduced to indicate the quality level of a product or information or service provided by a firm, or the capability level of the supplier firm for achieving quality in a supplied product. The transaction mediator compares the quality level index of a supplier firm responding to the solicitation with the requested quality level index in the supplier solicitation conditions

of the purchasing firm. If multiple supplier firms respond, the quality level indices of the supplier firms are compared.

FIG. 4 shows one example (first embodiment) of the flow of operations up to the inter-firm transaction mediation by the method of the present invention. In the inter-firm transaction mediation method of the present invention, with the narrowing of the supplier firms with regard to the quality level, the index that represents the “standard value for the capability for achieving quality for the supplied product of the production plant of the supplier firm” (that is, requested by the purchasing firm as received from the purchasing firm and calculated by the purchasing firm using the “product structure evaluation calculation program”), is compared with the “capability for achieving quality for the supplied product of the production plant of the supplied product” of the supplier firm (as received from the supplier firm and calculated by the supplier firm using the “plant evaluation calculation program.”). Based upon comparison, a supplier firm having the “capability for achieving quality for the supplied product of the production plant of the supplied product” that satisfies the “standard value for the capability for achieving quality for the supplied product of the production plant of the supplier firm” requested by the purchasing firm, is selected.

In background electronic business transactions, specific standard values for product quality could not be found in the “plant environment” or “supplied product” of the supplier firms. However, with the present embodiment, specific standard values can be obtained from the supplier firms. As a result, the supplier firms can be narrowed down or selected upon, taking into consideration the specific standard values for product quality.

In the first embodiment (Fig.4) described above, an example is presented of a firm desiring a transaction performs quality calculations (in Claim 15).

On the other hand, quality calculations can be performed by the inter-firm transaction mediation site. In this case (in the second embodiment), the flow of operations in the method for mediating inter-firm transactions according to the present invention, would be as shown in FIG. 20. In the second embodiment, a firm sends the inter-firm transaction mediation site requested transaction conditions information, including information needed by the inter-firm transaction mediation site to calculate quality (step 1450, 1550). This is received by the inter-firm transaction mediation site, and quality level indices are calculated by the quality calculation program based on this received information (step 1750) ((in Claim 16))

Heissenbuttel et al. (US Patent No. 6,993,503) discloses a system and method that is provided for allocating a conditional purchase offer ("CPO") for a hotel reservation or other travel related services, to one of a plurality of entities in a buyer-driven system. The CPO for a hotel reservation in a specified relevant market area is received, and at least one of the plurality of entities capable of satisfying the CPO is identified. A first-look opportunity to accept the CPO is allocated to one of the identified entities, and if it is determined that none of the hotels associated with that entity can accept the CPO, then a second-look opportunity to accept the CPO is provided to one of the remaining entities.

The system determines each identified entity's market share percentage in the relevant market area; a percentage of first-look opportunities previously provided to each of the identified entities in the relevant market area; and a relevant market share gap for each of the identified entities by subtracting the percentage of first-

look opportunities previously provided to the entity in the relevant market area from that entity's market share percentage in the relevant market area; and allocates the first-look opportunity to accept the conditional purchase offer to the identified entity having the largest negative relevant market share gap.

The method of allocating a conditional purchase offer for a product or service to one of a plurality of entities in a buyer-driven system, differs from the inter-firm transaction mediation method of the present invention.

Heissenbuttel et al does not disclose the privilege for the purchasing firms and the supplier firms to access quality calculation programs, does not disclose that the quality capability of a supplier firm for a product type and product item, can have a specific value and can be a condition for the transaction.

As a result of all of the foregoing, it is respectfully submitted that the applied art would not support a '102 anticipatory-type rejection of Applicant's claims. Accordingly, reconsideration and withdrawal of such '102 rejections, and express written allowance of all of the rejected claims, are respectfully requested. Further, at this point, it is respectfully submitted as a reminder that, if new art is now cited against any of Applicant's unamended claims, then it would not be proper to make a next action final.

#### **EXAMINER INVITED TO TELEPHONE**

The Examiner is herein invited to telephone the undersigned attorneys at the local Washington, D.C. area telephone number of 703/312-6600 for discussing any Examiner's Amendments or other suggested actions for accelerating prosecution and moving the present application to allowance.

### **RESERVATION OF RIGHTS**

It is respectfully submitted that any and all claim amendments and/or cancellations submitted within this paper and throughout prosecution of the present application are without prejudice or disclaimer. That is, any above statements, or any present amendment or cancellation of claims (all made without prejudice or disclaimer), should not be taken as an indication or admission that any objection/rejection was valid, or as a disclaimer of any scope or subject matter. Applicant respectfully reserves all rights to file subsequent related application(s) (including reissue applications) directed to any/all previously claimed limitations/features which have been subsequently amended or cancelled, or to any/all limitations/features not yet claimed, i.e., Applicant continues (indefinitely) to maintain no intention or desire to dedicate or surrender any limitations/features of subject matter of the present application to the public.

### **CONCLUSION**

In view of the foregoing amendments and remarks, Applicant respectfully submits that the claims listed above as presently being under consideration in the application are now in condition for allowance.

To the extent necessary, Applicant petitions for an extension of time under 37 CFR '1.136. Authorization is herein given to charge any shortage in the fees, including extension of time fees and excess claim fees, to Deposit Account No. 01-2135 (Case No. 501.39952X00) and please credit any excess fees to such deposit account.

Based upon all of the foregoing, allowance of all presently-pending claims is respectfully requested.

Respectfully submitted,

ANTONELLI, TERRY, STOUT & KRAUS, LLP

A handwritten signature in black ink, appearing to read "Paul J. Skwierawski". The signature is fluid and cursive, with the first name "Paul" being the most prominent.

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